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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,369	07/17/2003	Ludovic Fleury	Q76520	9715
23373	7590	04/11/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LIN, TINA M	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,369	FLEURY ET AL.	
	Examiner	Art Unit	
	Tina M. Lin	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,456,773 to Keys. Keys discloses a module including a structure (300) with a plurality of submodules (325, 350) which are in series and separable from the structure. Furthermore, Keys discloses the submodules to be interconnected by more than one connection and each submodule includes a support/spool to which at least one compensation fiber (416, 418) is fixed. (Figures 3 and 4)

Keys fails to specifically disclose the interconnected connections to be identifiable to the naked eye without optical measurements. However, it can be observed the boot connectors (427, 435) and adapters (410, 412) are placed on the exterior of the housing. Since the connections can be seen on the exterior of the structure and one of ordinary skill in the art would recognize the boot connectors and adapters as interconnecting pieces and furthermore, it would be advantageous for the connection pieces to be identifiable for easy and convenience, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to be able to identify the interconnected connections.

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Keys also fails to disclose the same compensation fiber to be used in all of the submodules. However, Keys discloses any type of compensation fiber can be coupled to the communication system. Furthermore, Keys discloses the appropriate fiber should be used in order to gain the result intended. (Column 4) Keys' disclosure is more particularly drawn to the module itself than the optical fibers. Since Applicant does not specifically state or disclose an advantage to using the same fibers and Applicant further discloses the uses of two different compensating fibers, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the same kind of compensating fibers in the submodules since Keys teaches the use of the appropriate fiber and Applicant fails to specifically disclose the use of the same fiber to solve a stated problem or is for a particular purpose.

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Claims 3-~~4~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,456,773 to Keys in view of U.S. Patent 5,673,354 to Akasaka et al. Keys discloses a module including a structure (300) with a plurality of submodules (325, 350) which are in series and separable from the structure. Furthermore, Keys discloses the submodules to be interconnected by more than one connection and each submodule includes a support/spool to which at least one compensation fiber (416, 418) is fixed. (Figures 3 and 4)

Keys fails to specifically disclose the interconnected connections to be identifiable to the naked eye without optical measurements. However, it can be observed the boot connectors (427, 435) and adapters (410, 412) are placed on the exterior of the housing. Since the connections can be seen on the exterior of the structure and one of ordinary skill in the art would recognize the boot connectors and adapters as interconnecting pieces and furthermore, it would be advantageous for the connection pieces to be identifiable for easy and convenience, it would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to be able to identify the interconnected connections.

Keys also fails to disclose different compensation fiber to be used in the submodules. However, Keys discloses any type of compensation fiber can be coupled to the communication system. Furthermore, Keys discloses the appropriate fiber should be used in order to gain the result intended. (Column 4) Keys' disclosure is more particularly drawn to the module itself than the optical fibers. Since Applicant does not specifically state or disclose an advantage to using the different fibers and Applicant further discloses the use of the same compensating fibers, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have different kinds of compensating fibers in the submodules since Keys teaches the use of the appropriate fiber and Applicant fails to specifically disclose the use of different fibers to solve a stated problem or is for a particular purpose.

Keys further fails to disclose the dispersion compensation ratio to be between 0.9 to 1.1. However, Akasaka et al discloses the perfect dispersion compensation ratio of a wavelength from 1530 nm to 1570 nm (spectral band C) to be between 0.75 and 1.25. Since the ratio disclosed by Akasaka et al is a known range and Keys is silent on the dispersion ratio, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a dispersion compensation ration between 0.9 and 1.1.

Prior Art

The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References C and D disclose alternative configurations comprising multiple dispersion compensating fibers in a module.

Inventorship

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

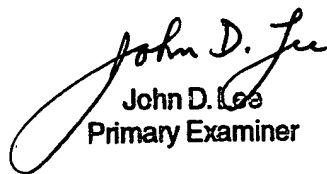
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Handwritten signature of TML.



Handwritten signature of John D. Lee.

John D. Lee
Primary Examiner